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EXAMINER
GUARRIELLO, J.

ART UNIT	PAPER NUMBER
1771	#4

02/08/99

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. #2,3 | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-22 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-22 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman 4,425,396 in view of Wiegand 4,088,805 or Cyr et al 4,350,730.

Hartman teaches an insulative panel with at least three layers, a synthetic organic polymeric foam, a protective weathering layer of a thermoplastic sheet and a flexible backer layer, (see abstract). Hartman teaches the foam layer can be a variety of synthetic, organic, polymeric materials which produce low density foams, (Col. 1, lines 58-68). Hartman teaches a weathering layer of thermoplastic properties, like chlorosulfonated polyethylene, (Col. 2, lines 40-49). Hartman teaches a backer layer interposed between the foam layer and the weathering layer, (col. 2, lines 17-24).

The backer layer can be fibrous material which is covered with the fibers being reinforcing like asbestos, fiberglass or aluminum; (col. 2 lines 17-25). Hartman differs from the claimed invention because it is silent about the cellulosic layer yet teaches a similar backer layer.

Wiegand teaches a three layer foam sheet with a middle layer, on backer layer made of polyethylene, (col. 2 lines 37-40).

Cyr teaches a foam resin core of polystyrene in a laminate, (col. 2 lines 15-20).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Wiegand^{an} or Cyr to substitute the middle layer of Wiegand⁴ for the backer layer of Hartman and to substitute the polystyrene foam of Cyr further polymeric foam of Hartman and expect them to function equivalently^{val} because they exhibit similar proper of a three^{ties} layer panel and would be expected to function as the claimed invention with the same beneficial effects of the three layers.

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wiegand 4,088,805.

Wiegand teaches a low density thermoplastic foam sheet with low density about 1.5lbs per cubic foot⁰⁰. Wiegand teaches a second layer which is reinforcing, (col. 3, lines 54-65). Claim lacks novelty.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Guarriello whose telephone number is (703) 308-3209. The examiner can normally be reached on Monday-Friday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian McCann^oash^{wi}, can be reached on (703) 308-3961. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



guarriello/ds

01/28/99



Marion McCamish
Supervisory Patent Examiner
Technology Center 1700